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Filing date: **06/10/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91216180
Party	Defendant Cereales Y Pastas, S.A. De C.V.
Correspondence Address	H DAVID STARR NATH, GOLDBERG & MEYER 112 S WEST ST ALEXANDRIA, VA 22314-2825 dstarr@nathlaw.com;docketing@nathlaw.co
Submission	Motion to Dismiss - Rule 12(b)
Filer's Name	Gulnaz T. Donahue
Filer's e-mail	gdonahue@nathlaw.com, dstarr@nathlaw.com
Signature	/Gulnaz T. Donahue/
Date	06/10/2014
Attachments	Motion to Dismiss & Consolidate.pdf(291492 bytes) Martinez Declaration.pdf(528926 bytes) Donahue Declaration.pdf(1127119 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application Nos. 85831237, 85859929, 85859938

and,

In the Matter of Application No. 85901343

SUN MARK LTD.

Opposer,

OPPOSITION NO. 91216180

v.

and,

CEREALES Y PASTAS, S.A. De C.V.

OPPOSITION NO. 91216453

Applicant.

**APPLICANT’S MOTION TO DISMISS FOR LACK OF SUBJECT MATTER
JURISDICTION AND MOTION TO CONSOLIDATE**

Pursuant to Rule 12(b)(1) and 42(a) of the Federal Rules of Civil Procedure (“FRCP”) and Sections 211 and 511 of the Trademark Trial and Appeal Board Manual of Procedure (“TBMP”), Applicant, Cereales Y Pastas, S.A. De C.V. (“Applicant”), through its undersigned attorneys, hereby requests that the Board dismiss the Notices of Opposition (the “Notices”) with prejudice. As shown below, Sun Mark Ltd. (“Opposer”) made repeated and incurable material misrepresentations to the Board in seeking extensions of time to file oppositions concerning the existence of purported settlement negotiations. Accordingly, the extensions were improperly granted and the Board lacks jurisdiction to consider the untimely filed Notices. In addition, as the Notices involve identical parties and common questions of law and fact, Applicant submits that consolidation, or at the very least joint consideration, would be appropriate at this time so the

Board may consider the identical issues in an efficient manner and dismiss both Oppositions at the present time.¹

I. FACTUAL BACKGROUND

On or about November 26, 2013, Applicant received a demand letter from Opposer. The letter pertained to two trademark application filings of Applicant in Australia and in Spain. Declaration of Jorge Israel De Leon Martinez, dated June 6, 2014, Exhibit “A” (“Martinez Declaration”) submitted herewith. The letter set forth Opposer’s position that Applicant’s GOLDEN FOODS mark contained in the referenced Australian and Spanish applications would “lead to a likelihood of confusion among relevant consumers” and requested that certain goods be removed from the applications. The letter requested that a response to the letter be provided by December 1, 2013.²

Applicant did not respond to this letter by December 1, 2013, and, to date, has not responded to this letter or communicated with Opposer in any manner whatsoever. Martinez Declaration at ¶6. To be clear, until the improper service of the Notices of Opposition described hereinbelow, the November 26, 2013 letter represents the only direct form of communication between Applicant and Opposer to date.

Subsequently, Opposer made repeated false representations to the Board that the parties were engaged in settlement discussions:

¹ This Motion is being filed in both Oppositions.

² The letter was signed by “Aneta Lenicka.” Ms. Lenicka also made the pertinent extension requests at issue in this Motion. While Ms. Lenicka did not in this letter or in the extension requests set forth her position, Ms. Lenicka set forth her position as “Legal Assistant” in the application for U.S. Serial No. 85730305 (Donahue Decl. at Exh. “H”). and the Board may wish to inquire whether Ms. Lenicka was properly authorized to represent Opposer in the Board filings. TBMP 114; 37 CFR §11.14(e)(3)(corporation representing itself before Board must be represented by corporate officer).

- US Serial No. 85859938: Opposer represents that it is “engaged in settlement discussions with applicant” in its 60 Day Request for Extension of Time to Oppose for Good Cause filed on March 7, 2014. Declaration of Gulnaz T. Donahue, dated June 10, 2014 (“Donahue Decl.”), at Exh “A.” The Board immediately granted the Request based upon this misrepresentation.
- US Serial No. 85831237: Opposer represents that it is “engaged in settlement discussions with applicant” in its 60 Day Request for Extension of Time to Oppose for Good Cause filed on February 2, 2014. Donahue Decl. at Exh. “B.” The Board immediately granted the Request based upon this misrepresentation.
- US Serial No. 85859929: Opposer represents that it is “engaged in settlement discussions with applicant” in its 60 Day Request for Extension of Time to Oppose for Good Cause filed on March 7, 2014. Donahue Decl. at Exh. “C.” The Board immediately granted the Request based upon this misrepresentation. On the final 60 Day Request for Extension of Time to Oppose Upon Extraordinary Circumstances filed on April 25, 2014, Opposer further represents as follows:

Dear Sirs we hereby would like to request you to kindly grant us a further 60-day extension of time to file a Notice of Opposition against the contested application. The reason for our request is an ongoing opposition proceeding in Spain *against the identical trade mark application of the same applicant*. We are awaiting the final decision from the Spanish IPO upon which we will decide whether to file the Notice of Opposition against the application also in the USA. Thank you. (Emphasis added)

Donahue Decl. at Exh. “D.” This representation was also false. There were no Opposition proceedings in Spain between Opposer and Applicant. Martinez Declaration at ¶9. Moreover, Applicant never filed an identical trademark in Spain. Martinez Declaration at ¶12. Applicant did not contest the oppositions filed by a third

party and Opposer. Martinez Declaration at ¶10. Accordingly, Spanish Patent and Trademark Office (“SPTO”) denied Applicant’s Spanish Trade Mark Application No. 3091234 by Resolution dated March 25, 2014 and published April 9, 2014. In so ordering, SPTO has declared that it did not take into account Opposer’s Community Trademark Reg. Nos. 009380081 and 004548343 for the mark GOLDEN COUNTRY *pointing to significant differences between Applicant’s and Opposer’s marks.* Martinez Declaration at ¶11. While the Board properly denied this Request, it is yet another bad faith filing and misrepresentation on the part of Opposer that has wasted Applicant’s resources.

- US Serial No. 85901343: Opposer represents that it is “engaged in settlement discussions with applicant” in its 60 Day Request for Extension of Time to Oppose for Good Cause filed on March 21, 2014. Donahue Decl. at Exh. “E.” The Board immediately granted the Request based upon this misrepresentation.

On May 2, 2014, Opposer filed a consolidated Notice of Opposition No. 91216180 opposing Serial Nos. 85831237, 8589929 and 85859938. The Notice of Opposition alleges priority and likelihood of confusion against these three application based upon its alleged use of the mark GOLDEN COUNTRY and its registration therefor, namely US Trademark Registration No. 4489923. In so doing, the Notice of Opposition essentially treats these three applications as a single filing and makes no distinctions between the three applications in the Notice of Opposition.³ Donahue Decl. at Exh. “F.”

On May 20, 2014, Opposer filed Notice of Opposition No. 91216453 opposing Serial No. 85891343 making substantially identical allegations of priority and likelihood of confusion based

³ Also on May 2, 2014, Opposer filed yet another 60 Day Request for Extension of Time to Oppose for Good Cause against Serial No. 86139329 again falsely alleging the existence of settlement negotiations.

upon its alleged use of the mark GOLDEN COUNTRY and its registration therefor, namely US Trademark Registration No. 4489923. Donahue Decl. at Exh. "G."

By letters dated May 21, 2014, nearly three weeks after the initial Notice of Opposition was filed and in violation of the Board's Rules for service, Opposer forwarded copies of the Notices of Opposition directly to Applicant. Martinez Decl. at ¶13. While Applicant's attorneys were promptly informed of the Opposition proceedings by the Board's Orders instituting the proceedings, to date, Opposer has failed to properly serve the Notices of Opposition.

II. LEGAL ARGUMENT

A. OPPOSER'S EXTENSION REQUESTS WERE IMPROPERLY GRANTED

Once an Opposition has been filed and instituted, an Applicant may seek review of an improperly granted request for an extension of time to oppose by filing a motion to dismiss the opposition for lack of jurisdiction. TBMP §211.02. The Board has granted such motions to dismiss *with prejudice* where the opposer's allegations of good cause for its extension request were found to be untrue. Central Mfg. Inc. v. Third Millennium Tech. Inc., 61 USPQ2d 1210, 1215 (TTAB 2001). Such is the case here.

As shown hereinabove, Opposer falsely represented on no less than four separate occasions to the Board that it is "engaged in settlement discussions with applicant" as its basis for good cause in requesting extensions of time. At no point has Applicant engaged in any settlement discussions with Opposer. One demand letter - pertaining to Spanish and Australia trademark filings not to any US trademark matter - in no manner could constitute settlement discussions, especially where that letter has been summarily ignored. Therefore, by signing and filing the four Requests with their included representations, Opposer "acted in bad faith and for improper purpose i.e....to obtain unwarranted extensions of the opposition period, and to waste resources of applicant and the Board." Id.

The Board need not consider whether “good cause” could have otherwise been demonstrated. In the ESTTA form provided by the Board and apparently utilized, the Opposer had every opportunity to establish “good cause” for reasons other than settlement discussions with Applicant as it is presented in the following table within the electronic form:

Good cause is established for this request because:

<input type="checkbox"/>	The potential opposer needs additional time to investigate the claim
<input type="checkbox"/>	The potential opposer needs additional time to confer with counsel
<input type="checkbox"/>	The potential opposer is engaged in settlement discussions with applicant
<input type="checkbox"/>	The potential opposer needs additional time to seek counsel to represent it in this matter
<input type="checkbox"/>	Other Please explain briefly in the space provided below
<div></div>	

Especially in light of its brazen misrepresentations to the Board, Opposer does not get a “do over” to provide an alternative explanation. Opposer is under the same obligations to the Board as represented parties and such misrepresentations are not tolerated before the Board.

Finally, if not stopped immediately, there is every indication that Opposer’s pattern of exhibiting contempt for the Board’s practices and requirements will continue as shown by the filing of its Notices of Opposition. While the Board’s ESTTA form automatically inserts a Certificate of Service, the Notice of Opposition documents provided by the Opposer did not provide Certificates of Service in compliance with the Board’s Rules:

The Board will accept, as prima facie proof that a party filing a document in a Board inter partes proceeding has served a copy of the document upon every other party to the proceeding, a statement signed by the filing party, or by its attorney or other authorized representative, clearly stating the date and manner in which service was made. *The statement should also specify the name of each party or person upon whom service was made, and the address.* The statement must appear on, or be securely attached to, the document being filed. If the statement is on a separate sheet attached to the filing, it should clearly identify the submission and proceeding to which it relates.

TBMP §113.03 (emphasis added). That is, there is no indication in the Notice of Opposition documents or the accompanying ESTTA forms upon whom service was made.

In fact, Opposer did not serve the Applicant or its attorneys of record on the date Opposer filed its Notices. Rather, it waited almost three weeks from the date of the filing of the initial Notice of Opposition to improperly mail the documents directly to the Applicant, not to the undersigned attorneys, the correspondent of record in all the relevant applications. TBMP §309.02(c)(1)(service of Notice of Opposition is made on attorney of record, not on applicant). To date, Opposer has not made proper service on Applicant's attorneys.

Opposer's bad faith actions have delayed at least four pending applications of the Applicant wasting the resources of the Applicant and the Board. Enough is enough. Such tactics must end. Accordingly, the Notices of Opposition should be dismissed with prejudice as untimely filed and the Board lacks jurisdiction.

B. THE NOTICES OF OPPOSITIONS SHOULD BE CONSOLIDATED

"When cases involving common questions of law or fact are pending before the Board, the Board may order the consolidation of the cases." TBMP §511. The Board's determination in considering consolidation weighs "the savings in time, effort, and expense, which may be gained from consolidation, against any prejudice or inconvenience that may be caused thereby." *Id.* Though not required, the identity of parties will weigh in favor of consolidation.

Here, the parties in both opposition proceedings are identical. Moreover, as can be readily gleaned from the Notices they are practically identical in all substantive respects. Both Notices allege the exact same basis of priority and likelihood of confusion based upon the alleged use of the “GOLDEN COUNTRY” mark and the trademark registration therefor. In fact, but for the substitution of “GOLDEN FOODS FRUITY SAURUS” for “GOLDEN FOODS” and/or the pertinent application serial number(s), the ten allegations are repeated verbatim. Under such circumstances, there can be no doubt that common questions of law and fact are pending before the Board. Finally, the questions of law and fact relative to this motion to dismiss (i.e., the misrepresentations made in improperly securing extensions of time to oppose) are similarly identical in substance. Accordingly, Applicant requests consolidation of these opposition proceedings.

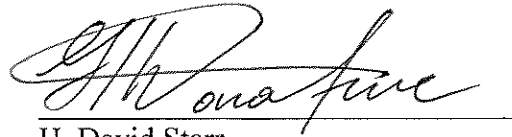
III. CONCLUSION

Opposer has made repeated and incurable misrepresentations to the Board involving nonexistent settlement negotiations between Applicant and Opposer. The Board relied upon these gross misrepresentations in granting these requests for extensions. Such misrepresentations resulted in harm to Applicant by unduly delaying registration of four applications and wasting Applicant’s and the Board’s resources. Therefore, Applicant respectfully requests the Board to dismiss the Notices of Opposition with prejudice as untimely filed and lacking subject matter jurisdiction.

Finally, as the legal and factual issues are substantially identical in the two proceedings, Applicant further requests consolidation, or at least joint treatment, in order to efficiently deal with these proceedings at this time.

Respectfully submitted,

CEREALES Y PASTAS, S.A. De C.V.

A handwritten signature in dark ink, appearing to read "Gulnaz T. Donahue", written over a horizontal line.

H. David Starr
Gulnaz T. Donahue
Attorneys for Applicant

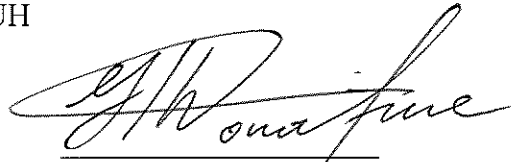
Dated: June 11, 2014

NATH, GOLDBERG & MEYER
112 S. West Street
Alexandria, VA 22314
(703) 548-6284 Phone
(703) 683-8396 Fax

CERTIFICATE OF SERVICE

This is to certify that I am on this date serving a copy of the within and foregoing upon the Opposer by depositing a true and correct copy of same in the USPS Air Mail in an envelope with sufficient first class postage affixed thereon to ensure delivery, addressed as follows:

Harmeet Ahuja
Director
Sun Mark Ltd.
428 Long Drive
Greenford, Middlesex
United Kingdom UB6 8UH


Gulnaz T. Donahue

Date: June 11, 2014

NATH, GOLDBERG & MEYER
112 South West Street
Alexandria, VA 22314
(703) 548-6284

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application Nos. 85/831,237; 85/859,929; 85/859,938

and,

In the Matter of Application No. 85/901,343

-----)
SUN MARK LTD,)

Opposer,)

v.)

CEREALES Y PASTAS, S.A. De C.V.)

Applicant.)
-----)

Opposition No. 91216180
and,
Opposition No. 91216453

DECLARATION OF JORGE ISRAEL DE LEON MARTINEZ

1. I am the Chief Marketing Officer of CEREALES Y PASTAS, S.A. De C.V. ("Applicant"). I make this declaration in support of Applicant's Motions to Dismiss and Consolidate these proceedings. If called upon to do so, I could and would competently testify to the following:

2. Attached hereto as **Exhibit A** is a true and correct copy of a demand letter, dated November 26, 2013 ("November 26 Letter") that Applicant received from SUN MARK LTD. ("Opposer").

3. To the best of my knowledge, the November 26 Letter is the first form of communication by and between Opposer and Applicant.

4. The November 26 Letter pertains to the Spanish Trade Mark Application No. 3091234 and the Australian Trade Mark Application No. 1538600. The November 26 Letter does not mention or reference any of Applicant's U.S. trademark applications. The November 26 Letter requested that certain goods be removed from the Spanish and Australian applications.

5. The Letter requested that a response to the November 26 Letter be provided by December 1, 2013.
6. Applicant did not respond to the November 26 Letter by December 1, 2013.
7. In fact, Applicant has not responded or communicated directly with Opposer relative to the November 26 Letter or in any manner whatsoever.
8. To be clear, there have been no settlement negotiations between the Applicant and Opposer at all relevant times.
9. As of April 25, 2014, there were no pending Opposition proceedings in Spain between Applicant and Opposer.
10. Applicant did not contest the oppositions filed in the Spanish Patent and Trademark Office ("SPTO") by Golden Foods, S.A. based on its GOLDEN QUALITY FOODS (Reg. No. 568009), GOLDEN QUALITY FOODS SALAD (Reg. No. 2909204) and GOLDEN FOODS (Reg. No. 0235780) marks, and by Opposer based on its GOLDEN COUNTRY mark (Community Trademark Reg. Nos. 009380081 and 004548343) against Applicant's Spanish Trade Mark Application No. 3091234.
11. As a result, SPTO denied Applicant's Spanish Trade Mark Application No. 3091234 based *solely* upon the opposition of Golden Foods, S.A. by Resolution dated March 25, 2014, which was published on April 9, 2014. In so ordering, SPTO has expressly stated that *it did not take into account Opposer's Community Trademark Reg. Nos. 009380081 and 004548343 for the mark GOLDEN COUNTRY pointing to significant differences between Applicant's and Opposer's marks.*
12. Applicant did not file any trademarks in Spain that are identical to trademarks filed in the United States of America and are subject of these proceedings.
13. Attached as Exhibit "B" and Exhibit "C" are true and correct copies of letters enclosing the Notices of Oppositions in these matters, dated May 21, 2014 (the "May 21 Letters"), that Applicant received from Opposer.

14. To this date, the May 21 Letters represent the second final form of direct communication by and between Opposer and Applicant.

I declare the above statement to be true and correct under penalty of perjury under the laws of the United States.

Executed on June 6, 2014.

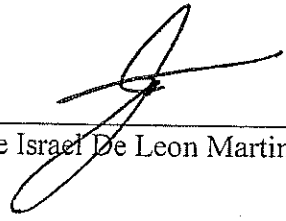
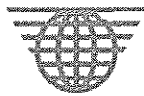

Jorge Israel De Leon Martinez

Exhibit A



Sun Mark Ltd

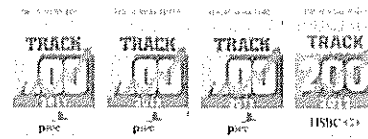
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Sun House

428 Long Drive, Greenford Middlesex, UB6 8UH

Tel: 020 8575 3700 Fax: 020 8575 9900

www.sunmark.co.uk email: sunmark@sunmark.co.uk



Cereales Y Pastas, S.A. de C.V.

Av Mexico-Japon

400-A

Col. Ciudad Industrial Celaya

38010

Celaya Guanajuato

Mexico

26th November 2013

By: Post & Fax

Without Prejudice

Dear Sirs

RE: Spanish Trade Mark Application No. 3091234 GOLDEN FOODS in class 30 and Australian Trade Mark Application No. 1538300 in class 30 in the name of Cereales Y Pastas S.A. de C.V.

I write with reference to your above applications seeking protection throughout Spain and Australia.

We are an award winning export company and have been honoured by Her Majesty the Queen for five consecutive years by winning the Queen's Award for Enterprise in 2009, 2010, 2011, 2012 and 2013 and we export our products to over 100 countries. To obtain more information about our company please visit www.sunmark.co.uk.

I would like to inform you that we are the registered owners of the mark "GOLDEN COUNTRY" in the CTM in classes 5, 29 and 30 and in Australia in class 30.

We consider that your new application for GOLDEN FOODS is aurally, visually and conceptually similar to our mark GOLDEN COUNTRY and will lead to a likelihood of confusion among the relevant consumers who may mistakenly believe that goods derived from you are linked in some manner with GOLDEN COUNTRY and GOLDEN FOODS is merely an expansion of the GOLDEN COUNTRY brand.

However, our company's general policy is to co-exist with other companies without going through costly and lengthy legal battles.

Therefore, we would like to request you to remove the following goods conflicting with our goods from the specification in your Spanish Trade Mark Application No. 3091234:

ROBUST
RECOMMENDED PROTEIN

Micro-Max
Max Energy

PURE HEAVEN
OUT OF THIS WORLD

ROYALTY
Taste of Tradition

Summer Time
Smell like summer

Golden Country
Taste of Tradition

BULLDOG
BUILT FOR A VETERAN

Anmol

LASER
NO CHOLESTEROL

English
the business of an Englishman

Flavour
Flavour of Tradition

TOILET GUARD
TOILET GUARD ON GERMS

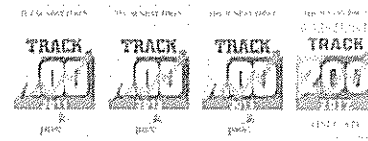
TOILET GUARD
TOILET GUARD ON GERMS

Comfi
Soft & Strong



Sun Mark Ltd

"world class products"



"Preparations containing cereals; Honey; Sauces (Condiments), Comprising oat flakes, bars than cereals rich at proteins; Refreshments on the basis of cereals, flakes cereals dry; Maize flakes; Flakes than oat; Flakes than dry cereals; Flakes than corn"

and to remove the following goods from your Australian Trade Mark Application No. 1538300:

"Preparations made from cereals; Honey; Sauces (Condiments); Breakfast cereals; processed cereal-based food to be used as a breakfast food, snack food ingredient for making other foods."

Kindly treat this as a matter of urgency and respond to us by 1st December 2013. Otherwise, we would not have any other option as to oppose your trade mark application.

Alternatively you can also e-mail me at aneta@sunmark.co.uk or to my colleague at sanjay@sunmark.co.uk.

Yours faithfully,

Aneta Lenicka
Aneta Lenicka

ROBUST
ONE SUPERB TASTE

Ultra-Lite
Max Energy

HEAVEN
the freshness of an English Breeze

ROYALTY
Taste of Distinction

ROYALTY
Taste of Distinction

golden
Taste of Distinction

BULLDOG
Taste of Distinction

Anmol

LASER
NO CHOLESTEROL

Breeze

Flower
Taste of Distinction

TOUGH ON GERMS

TOILET GUARD

Comfi
Taste of Distinction

Exhibit B



Sun Mark Ltd

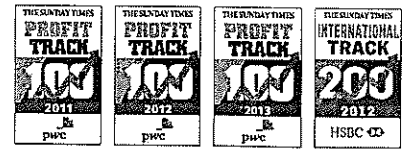
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Sun House

428 Long Drive, Greenford Middlesex, UB6 8UH

Tel: 020 8575 3700 Fax: 020 8575 9900

www.sunmark.co.uk email: sunmark@sunmark.co.uk



Cereales Y Pastas, S.A. DE C.V.
Col. Ciudad Industrial Celaya Avenida Mexico
Japon No. 400-A
Celaya Guanajuato
38010
Mexico

21st May 2014

By: Courier

Dear Sirs

RE: Opposition No. 91216180 filed against your trademark applications in the USA

I write with reference to the above subject matter.

In accordance with the requirements of the USPTO, we hereby would like to inform you that as prior holders of the trademark Registration No. 4489923 GOLDEN COUNTRY in classes 5, 29 & 30 in the USA we have filed Notices of Opposition against your following trademark applications in the USA:

- 85831237 GOLDEN FOODS CORN FLAKES
- 85859929 GOLDEN FOODS CALIDAD Y NUTRICION A TU ALCANCE CHOCO RONIS
- 85859938 GOLDEN FOODS FRUTI ROLLS

Therefore, please find enclosed the following copies of the documents submitted at USPTO in the above said opposition under Opposition No. 91216180 for your reference:

- Notice of Opposition filed against Serial No.s: 85831237, 85859929 & 85859938
- Registration Certificate of our trademark GOLDEN COUNTRY in classes 5, 29 & 30 in the USA

Your Faithfully

Aneta Lenicka
Aneta Lenicka



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND
APPEAL BOARD

In re Ser. No. 85831237 – GOLDEN FOODS CORN FLAKES

Ser. No. 85859929 – GOLDEN FOODS CALIDAD Y NUTRICION A TU ALCANCE CHOCO RONIS
BOLITAS DE MAIZ Y ARROZ SABOR CHOCOLATE

Ser. No. 85859938 – GOLDEN FOODS FRUTI ROLLS

Sun Mark Ltd.

Opposer

V

Cereales Y Pastas, S.A. DE C.V.

Applicant

NOTICE OF OPPOSITION

SUN MARK LTD, a UK based company having its principal place of business at 428 Long Drive, Greenford, Middlesex, UB6 8UH, United Kingdom, believes that there will be a likelihood of confusion as a result of the registration of the following applications:

- Serial No. 85831237 GOLDEN FOODS Corn Flakes in class 30
- Serial No. 85859929 GOLDEN FOODS Calidad Y Nutricion A Tu Alcance Choco Ronis Bolitas De Maiz Y Arroz Sabor Chocolate in class 30
- Serial No. 85859938 GOLDEN FOODS Fruti Rolls in class 30

filed February 26 2013 by Cereales Y Pastas, S.A. DE C.V. of Col. Ciudad Industrial Celaya Avenida Mexico – Japon No. 400 – Celaya Guanajuato Mexico 38010, and hereby oppose the same pursuant to Section 13 of Trademark Act 1946 (15 USC §1063).

As grounds for opposition it is alleged that:

1. Opposer has adopted and is using the mark GOLDEN COUNTRY for goods in classes 29 and 30.
2. Trademark GOLDEN COUNTRY has been used world wide and sales of GOLDEN COUNTRY Cereals have commenced in the USA since April 2006.
3. Since long prior to the Applicants application, the Opposer has been using the mark GOLDEN COUNTRY for goods in classes 5, 29 and 30 and is the owner of registration No. 4489923. A copy of the registration is attached hereto as exhibit A.
4. On information and belief, the Applicant has not used GOLDEN FOODS prior to 2013.
5. Applicant's GOLDEN COUNTRY is, in part, virtually identical in appearance, sound and connotation to the Opposer's GOLDEN COUNTRY.
6. The goods on which the Opposer uses the GOLDEN COUNTRY mark and the goods for which the Applicant uses the GOLDEN FOODS mark are closely related.
7. The goods on which the Opposer uses the GOLDEN COUNTRY mark for which the Applicant uses the GOLDEN FOODS mark may be sold or rendered through the same channels of trade.

8. The goods for which the applicant intends to use/uses the GOLDEN FOODS mark may be sold or rendered to the same class of purchaser.
9. The use and registration by the Applicant's GOLDEN FOODS mark for the goods identified in Serial No. 85831237, 85859929 and 85859938 is likely to cause confusion, mistake or deception by having the public erroneously assume or believe that the goods emanate from the Opposer, or are in some way associated or connected with the Opposer's prior use of GOLDEN COUNTRY, all to the Opposer's irreparable damage.
10. For the reasons set forth herein, Opposer believes and asserts that it will be damaged by the registration of Serial No. 85831237, 85859929 and 85859938. Accordingly, the Opposer prays that this Opposition be sustained and that the Applicant be refused registration of GOLDEN FOODS for the goods covered in applications Serial No. 85831237, 85859929 and 85859938.

The filing fee is submitted electronically herewith.

Respectfully submitted,

SUN MARK LTD

By: 

Harmeet Ahuja

Director

Sun Mark Ltd

428 Long Drive

Middlesex

UB6 8UH

Tel: 0044 (0)208 575 3700

Fax: 0044 (0)208 575 9900

United States of America

United States Patent and Trademark Office

GOLDEN COUNTRY

Reg. No. 4,489,923

Registered Mar. 4, 2014

Int. Cls.: 5, 29 and 30

TRADEMARK

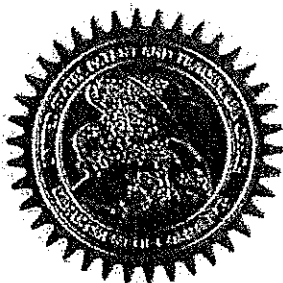
PRINCIPAL REGISTER

SUN MARK LIMITED (UNITED KINGDOM LIMITED LIABILITY COMPANY)
SUN HOUSE, 428 LONG DRIVE
GREENFORD, MIDDLESEX UB6 8UH
UNITED KINGDOM

FOR: SANITARY PREPARATION FOR MEDICAL PURPOSES; DIETETIC FOODS, NAMELY, CEREAL FOR BABIES; FOOD FOR BABIES, ADAPTED FOR MEDICAL USE; MEDICAL PLASTERS, MATERIAL FOR DRESSINGS, NAMELY, MEDICAL DRESSINGS; MATERIAL FOR STOPPING TEETH; PREPARATION FOR DESTROYING VERMIN; FUNGICIDES, HERBICIDES, BABY FOODS; MILK POWDER FOR BABIES; MILK POWDER FOR FOODSTUFFS FOR BABIES; MILK POWDER FOR NUTRITION PURPOSES FOR BABIES; FOODSTUFFS FOR BABIES, NAMELY, MILK POWDERS; POWDERED MILK FOODS FOR INFANTS; POWDERED MILK FOR BABIES; SUBSTITUTES FOR MOTHERS MILK, NAMELY, POWDERED MILK FOR BABIES; DRIED MILK BEING FOOD FOR INFANTS; DRIED MILK POWDER BEING FOOD FOR BABIES; DRIED MILK PREPARATIONS BEING FOOD FOR BABIES; DRIED MILK PRODUCTS BEING FOOD FOR BABIES, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

FOR: MEAT, FISH, POULTRY AND GAME; MEAT EXTRACTS; PRESERVED, FROZEN, DRIED AND COOKED FRUIT AND VEGETABLES; JELLIES, JAMS, COMPOTES; EGGS, MILK AND MILK PRODUCTS EXCLUDING ICE CREAM, ICE MILK AND FROZEN YOGURT; EDIBLE OILS AND FATS; DRIED MILK FOR FOOD; DRIED MILK POWDER; DRIED MILK PREPARATIONS, NAMELY, DRIED MILK POWDER; DRIED MILK PRODUCTS, NAMELY, MILK POWDER FOR NUTRITIONAL PURPOSES; POWDERED MILK; POWDERED MILK FOR FOOD; POWDERED MILK FOR FOOD PURPOSES; MARGARINE, EDIBLE OILS AND FATS, IN CLASS 29 (U.S. CL. 46).

FOR: COFFEE, TEA, SUGAR, RICE, TAPIOCA, SAGO, ARTIFICIAL COFFEE; FLOUR AND PREPARATIONS MADE FROM CEREALS, NAMELY, BREAD; ICES; HONEY, TREACLE; YEAST, BAKING POWDER, SALT, MUSTARD; VINEGAR, SAUCES; SPICES; BREAKFAST CEREALS; CEREAL BARS, NAMELY, READY TO EAT CEREAL DERIVED FOOD BARS EXCLUDING CHOCOLATE COATED CEREAL BARS; CEREAL BREAKFAST FOODS, NAMELY, PROCESSED CEREAL-BASED FOOD TO BE USED AS A BREAKFAST FOOD; CEREAL BREAKFAST PRODUCTS, NAMELY, PROCESSED CEREAL-BASED FOOD TO BE USED AS A BREAKFAST FOOD; CEREAL PRODUCTS, NAMELY, PROCESSED CEREALS; FOOD PRODUCTS CONSISTING OF CEREALS, NAMELY, PROCESSED CEREALS;



Nichelle K. Lee

Deputy Director of the United States
Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*

What and When to File:

- **First Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.
- **Second Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between the 9th and 10th years after the registration date.* See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

- You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

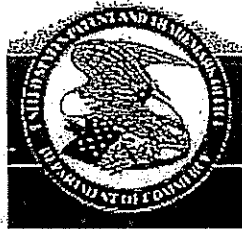
Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or reminder of these filing requirements.

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.



Please note that U.S. Customs & Border Protection (CBP), a bureau of the Department of Homeland Security, maintains a trademark recordation system for marks registered at the United States Patent and Trademark Office. Parties who register their marks on the Principal Register may record these marks with CBP, to assist CBP in its efforts to prevent the importation of goods that infringe registered marks. The recordation database includes information regarding all recorded marks, including images of these marks. CBP officers monitor imports to prevent the importation of goods bearing infringing marks, and can access the recordation database at each of the 317 ports of entry.

CBP's Intellectual Property Rights e-Recordation (IPRR) system, located at <https://apps.cbp.gov/e-recordations/>, allows right holders to electronically file IPR recordation applications, thus significantly reducing the amount of time normally required to process paper applications. Some additional benefits of the system include:

- Elimination of paper applications and supporting documents.
- Copies of the certificate issued by the registering agency (U.S. Patent and Trademark Office or the Copyright Office) are retained by the right holder, not submitted to CBP.
- Payment by credit card (preferred), check or money order.
- Ability to upload images of the protected work or trademark, thus obviating the need to send samples to CBP.
- Reduced time from filing of the application to enforcement by field personnel.

Information about how to obtain a recordation, and about CBP's Intellectual Property Rights border enforcement program, is available at CBP's web site, www.cbp.gov.

Exhibit C



Sun Mark Ltd

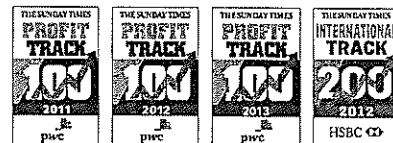
"world class products"

Sun House

428 Long Drive, Greenford Middlesex, UB6 8UH

Tel: 020 8575 3700 Fax: 020 8575 9900

www.sunmark.co.uk email: sunmark@sunmark.co.uk



Cereales Y Pastas, S.A. DE C.V.
Col. Ciudad Industrial Celaya Avenida Mexico
Japon No. 400-A
Celaya Guanajuato
38010
Mexico

21st May 2014

By: Courier

Dear Sirs

RE: Opposition No. 91216453 filed against your trademark application in the USA

I write with reference to the above subject matter.

Upon the request of the USPTO, we hereby would like to inform you that as a prior holders of the trademark Registration No. 4489923 GOLDEN COUNTRY in classes 5, 29 & 30 in the USA we have filed Notice of Opposition against your following trademark application in the USA:

- 85901343 GOLDEN FOODS FRUITY SAURUS

Therefore, please find enclosed the following copies of the document submitted at USPTO in the above said opposition under Opposition No. 91216453 for your reference:

- Notice of Opposition filed against Serial No.: 85901343

Your Faithfully

Aneta Lenicka



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND
APPEAL BOARD

In re Ser. No. 85901343 – GOLDEN FOODS FRUITY SAURUS

Sun Mark Ltd.

Opposer

V

Cereales Y Pastas, S.A. DE C.V.

Applicant

NOTICE OF OPPOSITION

SUN MARK LTD, a UK based company having its principal place of business at 428 Long Drive, Greenford, Middlesex, UB6 8UH, United Kingdom, believes that there will be a likelihood of confusion as a result of the registration of the following application:

- Serial No. 85901343 GOLDEN FOODS FRUITY SAURUS in class 30

filed April 11 2013 by Cereales Y Pastas, S.A. DE C.V. of Col. Ciudad Industrial Celaya Avenida Mexico – Japon No. 400 – Celaya Guanajuato Mexico 38010, and hereby oppose the same pursuant to Section 13 of Trademark Act 1946 (15 USC §1063).

As grounds for opposition it is alleged that:

1. Opposer has adopted and is using the mark GOLDEN COUNTRY for goods in classes 29 and 30.
2. Trademark GOLDEN COUNTRY has been used world wide and sales of GOLDEN COUNTRY Cereals have commenced in the USA since April 2006.
3. Since long prior to the Applicant's application, the Opposer has been using the mark GOLDEN COUNTRY for goods in classes 5, 29 and 30 and is the owner of registration No. 4489923. A copy of the registration is attached hereto as Exhibit A.
4. On information and belief, the Applicant has not used GOLDEN FOODS FRUITY SAURUS prior to 2013.
5. Applicant's GOLDEN FOODS FRUITY SAURUS is, in part, virtually identical in appearance, sound and connotation to the Opposer's GOLDEN COUNTRY.
6. The goods on which the Opposer uses the GOLDEN COUNTRY mark and the goods for which the Applicant uses the GOLDEN FOODS FRUITY SAURUS mark are closely related.
7. The goods on which the Opposer uses the GOLDEN COUNTRY mark for which the Applicant uses the GOLDEN FOODS FRUITY SAURUS mark may be sold or rendered through the same channels of trade.
8. The goods for which the applicant intends to use/uses the GOLDEN FOODS FRUITY SAURUS mark may be sold or rendered to the same class of purchaser.

9. The use and registration by the Applicant's GOLDEN FOODS FRUITY SAURUS mark for the goods identified in Serial No. 85901343 is likely to cause confusion, mistake or deception by having the public erroneously assume or believe that the goods emanate from the Opposer, or are in some way associated or connected with the Opposer's prior use of GOLDEN COUNTRY, all to the Opposer's irreparable damage.
10. For the reasons set forth herein, Opposer believes and asserts that it will be damaged by the registration of Serial No. 85901343. Accordingly, the Opposer prays that this Opposition be sustained and that the Applicant be refused registration of GOLDEN FOODS FRUITY SAURUS for the goods covered in applications Serial No. 85901343.

The filing fee is submitted electronically herewith.

Respectfully submitted,
SUN MARK LTD

By: 

Harmeet Ahuja

Director

Sun Mark Ltd

428 Long Drive

Middlesex

UB6 8UH

Tel: 0044 (0)208 575 3700

Fax: 0044 (0)208 575 9900

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application Nos. 85/831,237; 85/859,929; 85/859,938

and,

In the Matter of Application No. 85/901,343

-----)	
SUN MARK LTD,)	
Opposer,)	
)	
v.)	Opposition No. 91216180
)	and,
)	Opposition No. 91216453
CEREALES Y PASTAS, S.A. De C.V.)	
)	
Applicant.)	
-----)	

**DECLARATION OF GULNAZ T. DONAHUE IN SUPPORT OF APPLICANT
CEREALES Y PASTAS, S.A. De C.V.'S MOTIONS TO DISMISS AND CONSOLIDATE**

I, Gulnaz T. Donahue, declare:

1. I am an attorney admitted to the State of Tennessee. I am an attorney with Nath, Goldberg & Meyer, attorneys for Applicant, CEREALES Y PASTAS, S.A. De C.V. I make this declaration in support of Applicant's Motions to Dismiss and Consolidate these proceedings. If called upon to do so, I could and would competently testify to the following:

2. Attached hereto as **Exhibit A** is a true and correct copy of Opposer's 60 Day Request for Extension of Time to Oppose for Good Cause filed in connection with the U.S. Application Serial No. 85/859,938 on March 7, 2014.

3. Attached hereto as **Exhibit B** is a true and correct copy of Opposer's 60 Day Request for Extension of Time to Oppose for Good Cause filed in connection with the U.S. Application Serial No. 85/831,237 on February 2, 2014.

4. Attached hereto as **Exhibit C** is a true and correct copy of Opposer's 60 Day Request for Extension of Time to Oppose for Good Cause filed in connection with the U.S. Application Serial No. 85/859,929 on March 7, 2014.

5. Attached hereto as **Exhibit D** is a true and correct copy of Opposer's 60 Day Request for Extension of Time to Oppose Upon Extraordinary Circumstances filed in connection with the U.S. Application Serial No. 85/859,929 on April 25, 2014.

6. Attached hereto as **Exhibit E** is a true and correct copy of Opposer's 60 Day Request for Extension of Time to Oppose for Good Cause filed in connection with the U.S. Application Serial No. 85/901,343 on March 21, 2014.

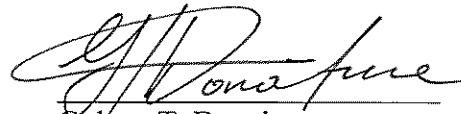
7. Attached hereto as **Exhibit F** is a true and correct copy of Opposer's Consolidated Notice of Opposition No. 91216180 opposing U.S. Application Serial Nos. 85/831,237; 85/859,929 and 85/859,938 filed on May 2, 2014. To date, to the best of my knowledge, our firm did not receive a served copy at our offices from the Opposer.

8. Attached hereto as **Exhibit G** is a true and correct copy of Opposer's Notice of Opposition No. 91216453 opposing U.S. Application Serial No.: 85/891,343 filed on May 20, 2014. To date, to the best of my knowledge, our firm did not receive a served copy at our offices from the Opposer.

9. Attached hereto as **Exhibit H** is a true and correct copy of U.S. Application Serial No. 85/730,305 filed on September 17, 2012 with the U.S. Patent and Trademark Office by Aneta Lenicka, signed as "Legal Assistant." As can be seen, all the Requests for Extension of Time to Oppose for Good Cause, namely, Exhibits A, B, C, D and E are signed by Aneta Lenicka.

I declare the above statement to be true and correct under penalty of perjury under the laws of the United States.

Executed on June 10, 2014.



Gulnaz T. Donahue

Exhibit A

ESTTA Tracking number: **ESTTA591258**

Filing date: **03/07/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Applicant:	CEREALES Y PASTAS, S.A. DE C.V.
Application Serial Number:	85859938
Application Filing Date:	02/26/2013
Mark:	GOLDEN FOODS FRUTI ROLLS
Date of Publication	01/07/2014

60 Day Request for Extension of Time to Oppose for Good Cause

Pursuant to 37 C.F.R. Section 2.102, Sun Mark Ltd, 428 Long Drive, Greenford, UB68UH, UNITED KINGDOM respectfully requests that he/she/it be granted an additional 60-day extension of time to file a notice of opposition against the above-identified mark for cause shown .

Potential opposer believes that good cause is established for this request by:

- The potential opposer is engaged in settlement discussions with applicant

The time within which to file a notice of opposition is set to expire on 03/08/2014. Sun Mark Ltd respectfully requests that the time period within which to file an opposition be extended until 05/07/2014.

Respectfully submitted,
/Aneta Lenicka/
03/07/2014

Sun Mark Ltd

Sun Mark Ltd

428 Long Drive

Greenford, UB68UH

UNITED KINGDOM

aneta@sunmark.co.uk

+44 208 575 3700

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Sun Mark Ltd
Sun Mark Ltd
428 Long Drive
Greenford, UB68UH

Mailed: March 7, 2014

Serial No.: 85859938
ESTTA TRACKING NO: ESTTA591258

The request to extend time to oppose is granted until
5/7/2014 on behalf of potential opposer Sun Mark Ltd

Please do not hesitate to contact the Trademark Trial and
Appeal Board at (571)272-8500 if you have any questions
relating to this extension.

Note from the Trademark Trial and Appeal Board

TTAB forms for electronic filing of extensions of time to
oppose, notices of opposition, petition for cancellation, notice
of ex parte appeal, and inter partes filings are now available
at <http://estta.uspto.gov>. Images of TTAB proceeding files can
be viewed using TTABVue at <http://ttabvue.uspto.gov>.

Exhibit B

ESTTA Tracking number: **ESTTA586085**

Filing date: **02/07/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Applicant:	Cereales Y Pastas, S.A. De C.V.
Application Serial Number:	85831237
Application Filing Date:	01/24/2013
Mark:	GOLDEN FOODS CORN FLAKES
Date of Publication	01/07/2014

60 Day Request for Extension of Time to Oppose for Good Cause

Pursuant to 37 C.F.R. Section 2.102, Sun Mark Ltd, 428 Long Drive, Greenford, UB68UH, UNITED KINGDOM respectfully requests that he/she/it be granted an additional 60-day extension of time to file a notice of opposition against the above-identified mark for cause shown .

Potential opposer believes that good cause is established for this request by:

- The potential opposer is engaged in settlement discussions with applicant

The time within which to file a notice of opposition is set to expire on 03/08/2014. Sun Mark Ltd respectfully requests that the time period within which to file an opposition be extended until 05/07/2014.

Respectfully submitted,
/Aneta Lenicka/
02/07/2014

Sun Mark Ltd

Sun Mark Ltd

428 Long Drive

Greenford, UB68UH

UNITED KINGDOM

aneta@sunmark.co.uk

00442085753700

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Sun Mark Ltd
Sun Mark Ltd
428 Long Drive
Greenford, UB68UH

Mailed: February 7, 2014

Serial No.: 85831237
ESTTA TRACKING NO: ESTTA586085

The request to extend time to oppose is granted until
5/7/2014 on behalf of potential opposer Sun Mark Ltd

Please do not hesitate to contact the Trademark Trial and
Appeal Board at (571)272-8500 if you have any questions
relating to this extension.

Note from the Trademark Trial and Appeal Board

TTAB forms for electronic filing of extensions of time to
oppose, notices of opposition, petition for cancellation, notice
of ex parte appeal, and inter partes filings are now available
at <http://estta.uspto.gov>. Images of TTAB proceeding files can
be viewed using TTABVue at <http://ttabvue.uspto.gov>.

Exhibit C

ESTTA Tracking number: **ESTTA591261**

Filing date: **03/07/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Applicant:	CEREALES Y PASTAS, S.A. DE C.V.
Application Serial Number:	85859929
Application Filing Date:	02/26/2013
Mark:	GOLDEN FOODS CALIDAD Y NUTRICIÃ#N A TU ALCANCE CHOCO RONIS BOLITAS DE MAIZ Y ARROZ SABOR CHOCOLATE
Date of Publication	01/07/2014

60 Day Request for Extension of Time to Oppose for Good Cause

Pursuant to 37 C.F.R. Section 2.102, Sun Mark Ltd, 428 Long Drive, Greenford, UB68UH, UNITED KINGDOM respectfully requests that he/she/it be granted an additional 60-day extension of time to file a notice of opposition against the above-identified mark for cause shown .

Potential opposer believes that good cause is established for this request by:

- The potential opposer is engaged in settlement discussions with applicant

The time within which to file a notice of opposition is set to expire on 03/08/2014. Sun Mark Ltd respectfully requests that the time period within which to file an opposition be extended until 05/07/2014.

Respectfully submitted,
/Aneta Lenicka/
03/07/2014

Sun Mark Ltd

Sun Mark Ltd

428 Long Drive

Greenford, UB68UH

UNITED KINGDOM

aneta@sunmark.co.uk

+ 44 208 575 3700

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Sun Mark Ltd
Sun Mark Ltd
428 Long Drive
Greenford, UB68UH

Mailed: March 7, 2014

Serial No.: 85859929
ESTTA TRACKING NO: ESTTA591261

The request to extend time to oppose is granted until
5/7/2014 on behalf of potential opposer **Sun Mark Ltd**

Please do not hesitate to contact the Trademark Trial and
Appeal Board at (571)272-8500 if you have any questions
relating to this extension.

Note from the Trademark Trial and Appeal Board

TTAB forms for electronic filing of extensions of time to
oppose, notices of opposition, petition for cancellation, notice
of ex parte appeal, and inter partes filings are now available
at <http://estta.uspto.gov>. Images of TTAB proceeding files can
be viewed using TTABVue at <http://ttabvue.uspto.gov>.

Exhibit D

ESTTA Tracking number: **ESTTA600543**

Filing date: **04/25/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Applicant:	CEREALES Y PASTAS, S.A. DE C.V.
Application Serial Number:	85859929
Application Filing Date:	02/26/2013
Mark:	GOLDEN FOODS CALIDAD Y NUTRICIÃ#N A TU ALCANCE CHOCO RONIS BOLITAS DE MAIZ Y ARROZ SABOR CHOCOLATE
Date of Publication	01/07/2014

**60 Day Request for Extension of Time to Oppose Upon Extraordinary
Circumstances**

Pursuant to 37 C.F.R. Section 2.102, Sun Mark Ltd, 428 Long Drive, Greenford, UB68UH, UNITED KINGDOM respectfully requests that he/she/it be granted an additional 60-day extension of time to file a notice of opposition against the above-identified mark for extraordinary circumstances shown .

Potential opposer believes that extraordinary circumstances are established for this request by:

- Dear Sirs we hereby would like to request you to kindly grant us a further 60-day extension of time to file a Notice of Opposition against the contested application. The reason for our request is an ongoing opposition proceeding in Spain against the identical trade mark application of the same applicant. We are awaiting the final decision from the Spanish IPO upon which we will decide whether to file the Notice of Opposition against the application also in the USA. Thank you.

The time within which to file a notice of opposition is set to expire on 05/07/2014. Sun Mark Ltd respectfully requests that the time period within which to file an opposition be extended until 07/06/2014.

Respectfully submitted,

/Aneta Lenicka/

04/25/2014

Sun Mark Ltd

Sun Mark Ltd

428 Long Drive

Greenford, UB68UH

UNITED KINGDOM

aneta@sunmark.co.uk

VV

United States Patent and Trademark Office
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Mailed: April 30, 2014

Applicant: CEREALES Y PASTAS S A DE C V
Serial No.: 85859929
Filed: 2/26/2013
Mark: GOLDEN FOODS CALIDAD Y NUTRICIÓN A TU ALCANCE CHOCO
RONIS BOLITAS DE MAIZ Y ARROZ SABOR CHOCOLATE

H DAVID STARR
NATH GOLDBERG & MEYER
112 S WEST ST
ALEXANDRIA VA 22314-2825

Eric McWilliams, Supervisory Paralegal:

Counsel for Sun Mark Ltd, potential opposer herein, has on April 25, 2014 filed a request for a further 60-day extension of time in which to file an opposition to the above-identified application.

The additional extension of time requested on behalf of potential opposer, if granted, would result in total extensions of time aggregating 180-days from the date of publication of applicant's mark.

Extensions of time to oppose may be granted only as provided in Trademark Rule 2.102:¹

... (3) After receiving one or two extensions of time totaling ninety days, a person may file one final request for an extension of time for an additional sixty days. The Board will grant this request only upon written consent or stipulation signed by the applicant or its authorized representative, or a written request by the potential opposer or its authorized representative stating that the applicant or

¹ Trademark Rule 2.102 was recently amended. See, Rules of Practice for Trademark-Related Filings Under the Madrid Protocol Implementation Act, 68 Fed. Reg. 55,748 (Sept. 26, 2003). The amended rule applies to any potential opposer which filed its first extension of time against a particular application on or after November 2, 2003. *Id.*

Extension of Time to Oppose No. 85859929

its authorize representative has consented to the request, or a showing of extraordinary circumstances. No further extensions of time to file an opposition will be granted under any circumstances.

Inasmuch as the circumstances recited in the instant request are not deemed to be extraordinary in nature, and since there is no indication that applicant has consented thereto, the request is denied.

Potential opposer's remedy lies in the filing of a further request to extend time or a notice of opposition prior to the May 7, 2014, expiration of the previously granted request.

Exhibit E

ESTTA Tracking number: **ESTTA593863**

Filing date: **03/21/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Applicant:	CEREALES Y PASTAS, S.A. DE C.V.
Application Serial Number:	85901343
Application Filing Date:	04/11/2013
Mark:	GOLDEN FOODS FRUITY SAURUS
Date of Publication	01/21/2014

60 Day Request for Extension of Time to Oppose for Good Cause

Pursuant to 37 C.F.R. Section 2.102, Sun Mark Ltd, 428 Long Drive, Greenford, UB6 8UH, UNITED KINGDOM respectfully requests that he/she/it be granted an additional 60-day extension of time to file a notice of opposition against the above-identified mark for cause shown .

Potential opposer believes that good cause is established for this request by:

- The potential opposer is engaged in settlement discussions with applicant

The time within which to file a notice of opposition is set to expire on 03/22/2014. Sun Mark Ltd respectfully requests that the time period within which to file an opposition be extended until 05/21/2014.

Respectfully submitted,
/Aneta Lenicka/
03/21/2014

Sun Mark Ltd

Sun Mark Ltd

428 Long Drive

Greenford, UB6 8UH

UNITED KINGDOM

aneta@sunmark.co.uk

+44 208 575 3700

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Sun Mark Ltd
Sun Mark Ltd
428 Long Drive
Greenford, UB6 8UH

Mailed: March 21, 2014

Serial No.: 85901343
ESTTA TRACKING NO: ESTTA593863

The request to extend time to oppose is granted until
5/21/2014 on behalf of potential opposer **Sun Mark Ltd**

Please do not hesitate to contact the Trademark Trial and
Appeal Board at (571)272-8500 if you have any questions
relating to this extension.

Note from the Trademark Trial and Appeal Board

TTAB forms for electronic filing of extensions of time to
oppose, notices of opposition, petition for cancellation, notice
of ex parte appeal, and inter partes filings are now available
at <http://estta.uspto.gov>. Images of TTAB proceeding files can
be viewed using TTABVue at <http://ttabvue.uspto.gov>.

Exhibit F

ESTTA Tracking number: **ESTTA601970**Filing date: **05/02/2014**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Notice of Opposition**

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Sun Mark Ltd
Granted to Date of previous extension	05/07/2014
Address	428 Long Drive Greenford, UB68UH UNITED KINGDOM
Correspondence information	Sun Mark Ltd 428 Long Drive Greenford, UB6 8UH UNITED KINGDOM sanjay@sunmark.co.uk Phone:00442085753700

Applicant Information

Application No	85831237	Publication date	01/07/2014
Opposition Filing Date	05/02/2014	Opposition Period Ends	05/07/2014
International Registration No.	NONE	International Registration Date	NONE
Applicant	Cereales Y Pastas, S.A. De C.V. Col. Ciudad Industrial Celaya Celaya Guanajuato, 38010 MEXICO		

Goods/Services Affected by Opposition

Class 030. First Use: 0 First Use In Commerce: 0
All goods and services in the class are opposed, namely: Breakfast cereals; Processed cereal-based food to be used as a breakfast food, snack food or ingredient for making other foods

Applicant Information

Application No	85859929	Publication date	01/07/2014
Opposition Filing Date	05/02/2014	Opposition Period Ends	
International Registration No.	NONE	International Registration Date	NONE
Applicant	CEREALES Y PASTAS, S.A. DE C.V. Col. Ciudad Industrial Celaya Celaya Guanajuato, 38010 MEXICO		

Goods/Services Affected by Opposition

Class 030. First Use: 0 First Use In Commerce: 0
All goods and services in the class are opposed, namely: Breakfast cereals; processed cereal-based food to be used as a breakfast food, snack food or ingredient for making other foods

Applicant Information

Application No	85859938	Publication date	01/07/2014
Opposition Filing Date	05/02/2014	Opposition Period Ends	
International Registration No.	NONE	International Registration Date	NONE
Applicant	CEREALES Y PASTAS, S.A. DE C.V. Col. Ciudad Industrial Celaya Celaya Guanajuato, 38010 MEXICO		

Goods/Services Affected by Opposition

Class 030. First Use: 0 First Use In Commerce: 0
All goods and services in the class are opposed, namely: Breakfast cereals; processed cereal-based food to be used as a breakfast food, snack food or ingredient for making other foods

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	4489923	Application Date	05/14/2012
Registration Date	03/04/2014	Foreign Priority Date	NONE
Word Mark	GOLDEN COUNTRY		
Design Mark	GOLDEN COUNTRY		
Description of Mark	NONE		
Goods/Services	<p>Class 005. First use: First Use: 0 First Use In Commerce: 0 Sanitary preparation for medical purposes; dietetic foods, namely, cereal for babies; food for babies, adapted for medical use; medical plasters, material for dressings, namely, medical dressings; material for stopping teeth; preparation for destroying vermin; fungicides, herbicides, baby foods; milk powder for babies; milk powder for foodstuffs for babies; milk powder for nutrition purposes for babies; foodstuffs for babies, namely, milk powders; powdered milk foods for infants; powdered milk for babies; substitutes for mothers milk, namely, powdered milk for babies; dried milk being food for infants; dried milk powder being food for babies; dried milk preparations being food for babies; dried milk products being food for babies</p> <p>Class 029. First use: First Use: 0 First Use In Commerce: 0 Meat, fish, poultry and game; meat extracts; preserved, frozen, dried and cooked fruit and vegetables; jellies, jams, compotes; eggs, milk and milk products excluding ice cream, ice milk and frozen yogurt; edible oils and fats; dried milk for food; dried milk powder; dried milk preparations, namely, dried milk</p>		

	<p>powder;dried milk products, namely, milk powder for nutritional purposes; powdered milk; powdered milk for food; powdered milkfor food purposes; margarine, edible oils and fats</p> <p>Class 030. First use: First Use: 0 First Use In Commerce: 0</p> <p>Coffee, tea, sugar, rice, tapioca, sago, artificial coffee; flour and preparations made from cereals, namely, bread; ices; honey, treacle; yeast, baking powder, salt, mustard; vinegar, sauces; spices; breakfast cereals; cereal bars, namely, ready to eat cereal derived food bars excluding chocolate coated cereal bars; cereal breakfast foods, namely, processed cereal-based food to be used as a breakfast food; cereal breakfast products, namely, processed cereal-based food to be used as a breakfast food; cereal products, namely, processed cereals; food products consisting of cereals, namely, processed cereals; honey; honeys; natural honey; salad dressings; dressings for salad</p>
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Attachments	<p>79116484#TMSN.jpeg(bytes)</p> <p>Notice of Opposition_Golden Foods_USA.pdf(81383 bytes)</p> <p>Exhibit A.pdf(237195 bytes)</p>
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Sanjay Raphael/
Name	Sun Mark Ltd
Date	05/02/2014

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND
APPEAL BOARD

In re Ser. No. 85831237 – GOLDEN FOODS CORN FLAKES

**Ser. No. 85859929 – GOLDEN FOODS CALIDAD Y NUTRICION A TU ALCANCE CHOCO RONIS
BOLITAS DE MAIZ Y ARROZ SABOR CHOCOLATE**

Ser. No. 85859938 – GOLDEN FOODS FRUTI ROLLS

Sun Mark Ltd.

Opposer

V

Cereales Y Pastas, S.A. DE C.V.

Applicant

NOTICE OF OPPOSITION

SUN MARK LTD, a UK based company having its principal place of business at 428 Long Drive, Greenford, Middlesex, UB6 8UH, United Kingdom, believes that there will be a likelihood of confusion as a result of the registration of the following applications:

- Serial No. 85831237 GOLDEN FOODS Corn Flakes in class 30
- Serial No. 85859929 GOLDEN FOODS Calidad Y Nutricion A Tu Alcance Choco Ronis Bolitas De Maiz Y Arroz Sabor Chocolate in class 30
- Serial No. 85859938 GOLDEN FOODS Fruti Rolls in class 30

filed February 26 2013 by Cereales Y Pastas, S.A. DE C.V. of Col. Ciudad Industrial Celaya Avenida Mexico – Japon No. 400 – Celaya Guanajuato Mexico 38010, and hereby oppose the same pursuant to Section 13 of Trademark Act 1946 (15 USC §1063).

As grounds for opposition it is alleged that:

1. Opposer has adopted and is using the mark GOLDEN COUNTRY for goods in classes 29 and 30.
2. Trademark GOLDEN COUNTRY has been used world wide and sales of GOLDEN COUNTRY Cereals have commenced in the USA since April 2006.
3. Since long prior to the Applicants application, the Opposer has been using the mark GOLDEN COUNTRY for goods in classes 5, 29 and 30 and is the owner of registration No. 4489923. A copy of the registration is attached hereto as exhibit A.
4. On information and belief, the Applicant has not used GOLDEN FOODS prior to 2013.
5. Applicant's GOLDEN COUNTRY is, in part, virtually identical in appearance, sound and connotation to the Opposer's GOLDEN COUNTRY.
6. The goods on which the Opposer uses the GOLDEN COUNTRY mark and the goods for which the Applicant uses the GOLDEN FOODS mark are closely related.
7. The goods on which the Opposer uses the GOLDEN COUNTRY mark for which the Applicant uses the GOLDEN FOODS mark may be sold or rendered through the same channels of trade.

8. The goods for which the applicant intends to use/uses the GOLDEN FOODS mark may be sold or rendered to the same class of purchaser.
9. The use and registration by the Applicant's GOLDEN FOODS mark for the goods identified in Serial No. 85831237, 85859929 and 85859938 is likely to cause confusion, mistake or deception by having the public erroneously assume or believe that the goods emanate from the Opposer, or are in some way associated or connected with the Opposer's prior use of GOLDEN COUNTRY, all to the Opposer's irreparable damage.
10. For the reasons set forth herein, Opposer believes and asserts that it will be damaged by the registration of Serial No. 85831237, 85859929 and 85859938. Accordingly, the Opposer prays that this Opposition be sustained and that the Applicant be refused registration of GOLDEN FOODS for the goods covered in applications Serial No. 85831237, 85859929 and 85859938.

The filing fee is submitted electronically herewith.

Respectfully submitted,
SUN MARK LTD

By: 

Harmeet Ahuja
Director
Sun Mark Ltd
428 Long Drive
Middlesex
UB6 8UH

Tel: 0044 (0)208 575 3700

Fax: 0044 (0)208 575 9900

United States of America

United States Patent and Trademark Office

GOLDEN COUNTRY

Reg. No. 4,489,923

Registered Mar. 4, 2014

Int. Cls.: 5, 29 and 30

TRADEMARK

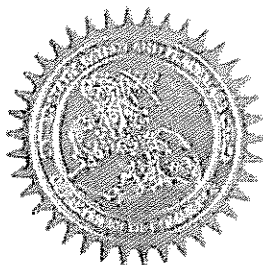
PRINCIPAL REGISTER

SUN MARK LIMITED (UNITED KINGDOM LIMITED LIABILITY COMPANY)
SUN HOUSE, 428 LONG DRIVE
GREENFORD, MIDDLESEX UB6 8UH
UNITED KINGDOM

FOR: SANITARY PREPARATION FOR MEDICAL PURPOSES; DIETETIC FOODS, NAMELY, CEREAL FOR BABIES; FOOD FOR BABIES, ADAPTED FOR MEDICAL USE; MEDICAL PLASTERS, MATERIAL FOR DRESSINGS, NAMELY, MEDICAL DRESSINGS; MATERIAL FOR STOPPING TEETH; PREPARATION FOR DESTROYING VERMIN; FUNGICIDES, HERBICIDES, BABY FOODS; MILK POWDER FOR BABIES; MILK POWDER FOR FOOD-STUFFS FOR BABIES; MILK POWDER FOR NUTRITION PURPOSES FOR BABIES; FOODSTUFFS FOR BABIES, NAMELY, MILK POWDERS; POWDERED MILK FOODS FOR INFANTS; POWDERED MILK FOR BABIES; SUBSTITUTES FOR MOTHERS MILK, NAMELY, POWDERED MILK FOR BABIES; DRIED MILK BEING FOOD FOR INFANTS; DRIED MILK POWDER BEING FOOD FOR BABIES; DRIED MILK PREPARATIONS BEING FOOD FOR BABIES; DRIED MILK PRODUCTS BEING FOOD FOR BABIES, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

FOR: MEAT, FISH, POULTRY AND GAME; MEAT EXTRACTS; PRESERVED, FROZEN, DRIED AND COOKED FRUIT AND VEGETABLES; JELLIES, JAMS, COMPOTES; EGGS, MILK AND MILK PRODUCTS EXCLUDING ICE CREAM, ICE MILK AND FROZEN YOGURT; EDIBLE OILS AND FATS; DRIED MILK FOR FOOD; DRIED MILK POWDER; DRIED MILK PREPARATIONS, NAMELY, DRIED MILK POWDER; DRIED MILK PRODUCTS, NAMELY, MILK POWDER FOR NUTRITIONAL PURPOSES; POWDERED MILK; POWDERED MILK FOR FOOD; POWDERED MILK FOR FOOD PURPOSES; MARGARINE, EDIBLE OILS AND FATS, IN CLASS 29 (U.S. CL. 46).

FOR: COFFEE, TEA, SUGAR, RICE, TAPIOCA, SAGO, ARTIFICIAL COFFEE; FLOUR AND PREPARATIONS MADE FROM CEREALS, NAMELY, BREAD; ICES; HONEY, TREACLE; YEAST, BAKING POWDER, SALT, MUSTARD; VINEGAR, SAUCES; SPICES; BREAKFAST CEREALS; CEREAL BARS, NAMELY, READY TO EAT CEREAL DERIVED FOOD BARS EXCLUDING CHOCOLATE COATED CEREAL BARS; CEREAL BREAKFAST FOODS, NAMELY, PROCESSED CEREAL-BASED FOOD TO BE USED AS A BREAKFAST FOOD; CEREAL BREAKFAST PRODUCTS, NAMELY, PROCESSED CEREAL-BASED FOOD TO BE USED AS A BREAKFAST FOOD; CEREAL PRODUCTS, NAMELY, PROCESSED CEREALS; FOOD PRODUCTS CONSISTING OF CEREALS, NAMELY, PROCESSED CEREALS;



Michelle K. Lee

Deputy Director of the United States
Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*

What and When to File:

- **First Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.
- **Second Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between the 9th and 10th years after the registration date.* See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

- You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

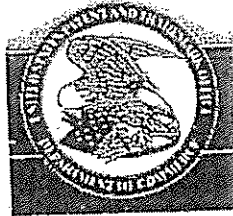
Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or reminder of these filing requirements.

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.



Please note that U.S. Customs & Border Protection (CBP), a bureau of the Department of Homeland Security, maintains a trademark recordation system for marks registered at the United States Patent and Trademark Office. Parties who register their marks on the Principal Register may record these marks with CBP, to assist CBP in its efforts to prevent the importation of goods that infringe registered marks. The recordation database includes information regarding all recorded marks, including images of these marks. CBP officers monitor imports to prevent the importation of goods bearing infringing marks, and can access the recordation database at each of the 317 ports of entry.

CBP's Intellectual Property Rights e-Recordation (IPRR) system, located at <https://apps.cbp.gov/e-recordations/>, allows right holders to electronically file IPR recordation applications, thus significantly reducing the amount of time normally required to process paper applications. Some additional benefits of the system include:

- Elimination of paper applications and supporting documents.
- Copies of the certificate issued by the registering agency (U.S. Patent and Trademark Office or the Copyright Office) are retained by the right holder, not submitted to CBP.
- Payment by credit card (preferred), check or money order.
- Ability to upload images of the protected work or trademark, thus obviating the need to send samples to CBP.
- Reduced time from filing of the application to enforcement by field personnel.

Information about how to obtain a recordation, and about CBP's Intellectual Property Rights border enforcement program, is available at CBP's web site, www.cbp.gov.

Exhibit G

ESTTA Tracking number: **ESTTA605165**Filing date: **05/20/2014**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Notice of Opposition**

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Sun Mark Ltd
Granted to Date of previous extension	05/21/2014
Address	428 Long Drive Greenford, UB6 8UH UNITED KINGDOM
Correspondence information	Sun Mark Ltd 428 Long Drive Greenford, UB6 8UH UNITED KINGDOM aneta@sunmark.co.uk Phone:00442085753700

Applicant Information

Application No	85901343	Publication date	01/21/2014
Opposition Filing Date	05/20/2014	Opposition Period Ends	05/21/2014
International Registration No.	NONE	International Registration Date	NONE
Applicant	CEREALES Y PASTAS, S.A. DE C.V. Col. Ciudad Industrial Celaya Celaya Guanajuato, 38010 MEXICO		

Goods/Services Affected by Opposition

Class 030. First Use: 0 First Use In Commerce: 0
All goods and services in the class are opposed, namely: Breakfast cereals; processed cereal-based food to be used as a breakfast food, snack food or ingredient for making other foods

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	4489923	Application Date	05/14/2012
Registration Date	03/04/2014	Foreign Priority Date	NONE
Word Mark	GOLDEN COUNTRY		

Design Mark	GOLDEN COUNTRY
Description of Mark	NONE
Goods/Services	<p>Class 005. First use: First Use: 0 First Use In Commerce: 0 Sanitary preparation for medical purposes; dietetic foods, namely, cereal for babies; food for babies, adapted for medical use; medical plasters, material for dressings, namely, medical dressings; material for stopping teeth; preparation for destroying vermin; fungicides, herbicides, baby foods; milk powder for babies; milk powder for foodstuffs for babies; milk powder for nutrition purposes for babies; foodstuffs for babies, namely, milk powders; powdered milk foods for infants; powdered milk for babies; substitutes for mothers milk, namely, powdered milk for babies; dried milk being food for infants; dried milk powder being food for babies; dried milk preparations being food for babies; dried milk products being food for babies</p> <p>Class 029. First use: First Use: 0 First Use In Commerce: 0 Meat, fish, poultry and game; meat extracts; preserved, frozen, dried and cooked fruit and vegetables; jellies, jams, compotes; eggs, milk and milk products excluding ice cream, ice milk and frozen yogurt; edible oils and fats; dried milk for food; dried milk powder; dried milk preparations, namely, dried milk powder; dried milk products, namely, milk powder for nutritional purposes; powdered milk; powdered milk for food; powdered milk for food purposes; margarine, edible oils and fats</p> <p>Class 030. First use: First Use: 0 First Use In Commerce: 0 Coffee, tea, sugar, rice, tapioca, sago, artificial coffee; flour and preparations made from cereals, namely, bread; ices; honey, treacle; yeast, baking powder, salt, mustard; vinegar, sauces; spices; breakfast cereals; cereal bars, namely, ready to eat cereal derived food bars excluding chocolate coated cereal bars; cereal breakfast foods, namely, processed cereal-based food to be used as a breakfast food; cereal breakfast products, namely, processed cereal-based food to be used as a breakfast food; cereal products, namely, processed cereals; food products consisting of cereals, namely, processed cereals; honey; honeys; natural honey; salad dressings; dressings for salad</p>

Attachments	79116484#TMSN.jpeg(bytes) Opposition_GOLDEN FOODS FRUITY SAURUS_USA.pdf(68968 bytes) Exhibit A.pdf(237195 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Sanjay Raphael/
Name	Sun Mark Ltd
Date	05/20/2014

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND
APPEAL BOARD

In re Ser. No. 85901343 – GOLDEN FOODS FRUITY SAURUS

Sun Mark Ltd.

Opposer

V

Cereales Y Pastas, S.A. DE C.V.

Applicant

NOTICE OF OPPOSITION

SUN MARK LTD, a UK based company having its principal place of business at 428 Long Drive, Greenford, Middlesex, UB6 8UH, United Kingdom, believes that there will be a likelihood of confusion as a result of the registration of the following application:

- Serial No. 85901343 GOLDEN FOODS FRUITY SAURUS in class 30

filed April 11 2013 by Cereales Y Pastas, S.A. DE C.V. of Col. Ciudad Industrial Celaya Avenida Mexico – Japon No. 400 – Celaya Guanajuato Mexico 38010, and hereby oppose the same pursuant to Section 13 of Trademark Act 1946 (15 USC §1063).

As grounds for opposition it is alleged that:

1. Opposer has adopted and is using the mark GOLDEN COUNTRY for goods in classes 29 and 30.
2. Trademark GOLDEN COUNTRY has been used world wide and sales of GOLDEN COUNTRY Cereals have commenced in the USA since April 2006.
3. Since long prior to the Applicant's application, the Opposer has been using the mark GOLDEN COUNTRY for goods in classes 5, 29 and 30 and is the owner of registration No. 4489923. A copy of the registration is attached hereto as Exhibit A.
4. On information and belief, the Applicant has not used GOLDEN FOODS FRUITY SAURUS prior to 2013.
5. Applicant's GOLDEN FOODS FRUITY SAURUS is, in part, virtually identical in appearance, sound and connotation to the Opposer's GOLDEN COUNTRY.
6. The goods on which the Opposer uses the GOLDEN COUNTRY mark and the goods for which the Applicant uses the GOLDEN FOODS FRUITY SAURUS mark are closely related.
7. The goods on which the Opposer uses the GOLDEN COUNTRY mark for which the Applicant uses the GOLDEN FOODS FRUITY SAURUS mark may be sold or rendered through the same channels of trade.
8. The goods for which the applicant intends to use/uses the GOLDEN FOODS FRUITY SAURUS mark may be sold or rendered to the same class of purchaser.

9. The use and registration by the Applicant's GOLDEN FOODS FRUITY SAURUS mark for the goods identified in Serial No. 85901343 is likely to cause confusion, mistake or deception by having the public erroneously assume or believe that the goods emanate from the Opposer, or are in some way associated or connected with the Opposer's prior use of GOLDEN COUNTRY, all to the Opposer's irreparable damage.
10. For the reasons set forth herein, Opposer believes and asserts that it will be damaged by the registration of Serial No. 85901343. Accordingly, the Opposer prays that this Opposition be sustained and that the Applicant be refused registration of GOLDEN FOODS FRUITY SAURUS for the goods covered in applications Serial No. 85901343.

The filing fee is submitted electronically herewith.

Respectfully submitted,
SUN MARK LTD

By: 

Harmeet Ahuja
Director
Sun Mark Ltd
428 Long Drive
Middlesex
UB6 8UH

Tel: 0044 (0)208 575 3700
Fax: 0044 (0)208 575 9900

United States of America

United States Patent and Trademark Office

GOLDEN COUNTRY

Reg. No. 4,489,923

Registered Mar. 4, 2014

Int. Cls.: 5, 29 and 30

TRADEMARK

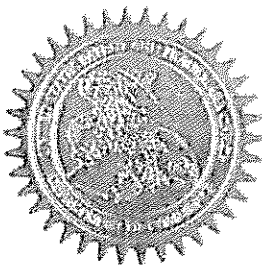
PRINCIPAL REGISTER

SUN MARK LIMITED (UNITED KINGDOM LIMITED LIABILITY COMPANY)
SUN HOUSE, 428 LONG DRIVE
GREENFORD, MIDDLESEX UB6 8UH
UNITED KINGDOM

FOR: SANITARY PREPARATION FOR MEDICAL PURPOSES; DIETETIC FOODS, NAMELY, CEREAL FOR BABIES; FOOD FOR BABIES, ADAPTED FOR MEDICAL USE; MEDICAL PLASTERS, MATERIAL FOR DRESSINGS, NAMELY, MEDICAL DRESSINGS; MATERIAL FOR STOPPING TEETH; PREPARATION FOR DESTROYING VERMIN; FUNGICIDES, HERBICIDES, BABY FOODS; MILK POWDER FOR BABIES; MILK POWDER FOR FOOD-STUFFS FOR BABIES; MILK POWDER FOR NUTRITION PURPOSES FOR BABIES; FOODSTUFFS FOR BABIES, NAMELY, MILK POWDERS; POWDERED MILK FOODS FOR INFANTS; POWDERED MILK FOR BABIES; SUBSTITUTES FOR MOTHERS MILK, NAMELY, POWDERED MILK FOR BABIES; DRIED MILK BEING FOOD FOR INFANTS; DRIED MILK POWDER BEING FOOD FOR BABIES; DRIED MILK PREPARATIONS BEING FOOD FOR BABIES; DRIED MILK PRODUCTS BEING FOOD FOR BABIES, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

FOR: MEAT, FISH, POULTRY AND GAME; MEAT EXTRACTS; PRESERVED, FROZEN, DRIED AND COOKED FRUIT AND VEGETABLES; JELLIES, JAMS, COMPOTES; EGGS, MILK AND MILK PRODUCTS EXCLUDING ICE CREAM, ICE MILK AND FROZEN YOGURT; EDIBLE OILS AND FATS; DRIED MILK FOR FOOD; DRIED MILK POWDER; DRIED MILK PREPARATIONS, NAMELY, DRIED MILK POWDER; DRIED MILK PRODUCTS, NAMELY, MILK POWDER FOR NUTRITIONAL PURPOSES; POWDERED MILK; POWDERED MILK FOR FOOD; POWDERED MILK FOR FOOD PURPOSES; MARGARINE, EDIBLE OILS AND FATS, IN CLASS 29 (U.S. CL. 46).

FOR: COFFEE, TEA, SUGAR, RICE, TAPIOCA, SAGO, ARTIFICIAL COFFEE; FLOUR AND PREPARATIONS MADE FROM CEREALS, NAMELY, BREAD; ICES; HONEY, TREACLE; YEAST, BAKING POWDER, SALT, MUSTARD; VINEGAR, SAUCES; SPICES; BREAKFAST CEREALS; CEREAL BARS, NAMELY, READY TO EAT CEREAL DERIVED FOOD BARS EXCLUDING CHOCOLATE COATED CEREAL BARS; CEREAL BREAKFAST FOODS, NAMELY, PROCESSED CEREAL-BASED FOOD TO BE USED AS A BREAKFAST FOOD; CEREAL BREAKFAST PRODUCTS, NAMELY, PROCESSED CEREAL-BASED FOOD TO BE USED AS A BREAKFAST FOOD; CEREAL PRODUCTS, NAMELY, PROCESSED CEREALS; FOOD PRODUCTS CONSISTING OF CEREALS, NAMELY, PROCESSED CEREALS;



Michelle K. Lee

Deputy Director of the United States
Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*
What and When to File:

- **First Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.
- **Second Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between the 9th and 10th years after the registration date.* See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*
What and When to File:

- You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

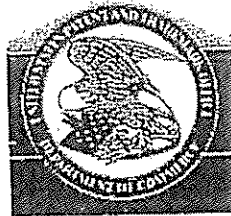
Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

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***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.



Please note that U.S. Customs & Border Protection (CBP), a bureau of the Department of Homeland Security, maintains a trademark recordation system for marks registered at the United States Patent and Trademark Office. Parties who register their marks on the Principal Register may record these marks with CBP, to assist CBP in its efforts to prevent the importation of goods that infringe registered marks. The recordation database includes information regarding all recorded marks, including images of these marks. CBP officers monitor imports to prevent the importation of goods bearing infringing marks, and can access the recordation database at each of the 317 ports of entry.

CBP's Intellectual Property Rights e-Recordation (IPRR) system, located at <https://apps.cbp.gov/e-recordations/>, allows right holders to electronically file IPR recordation applications, thus significantly reducing the amount of time normally required to process paper applications. Some additional benefits of the system include:

- Elimination of paper applications and supporting documents.
- Copies of the certificate issued by the registering agency (U.S. Patent and Trademark Office or the Copyright Office) are retained by the right holder, not submitted to CBP.
- Payment by credit card (preferred), check or money order.
- Ability to upload images of the protected work or trademark, thus obviating the need to send samples to CBP.
- Reduced time from filing of the application to enforcement by field personnel.

Information about how to obtain a recordation, and about CBP's Intellectual Property Rights border enforcement program, is available at CBP's web site, www.cbp.gov.

Exhibit H

Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 85730305

Filing Date: 09/17/2012

NOTE: Data fields with the * are mandatory under TEAS Plus. The wording "(if applicable)" appears where the field is only mandatory under the facts of the particular application.

The table below presents the data as entered.

Input Field	Entered
TEAS Plus	YES
MARK INFORMATION	
*MARK	<u>MIGHTY-MAX</u>
*STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	MIGHTY-MAX
*MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
REGISTER	Principal
APPLICANT INFORMATION	
*OWNER OF MARK	Sun Mark Ltd
*STREET	428 Long Drive
*CITY	Greenford
*COUNTRY	United Kingdom
PHONE	+44 208 575 3700
FAX	+44 208 575 9900
EMAIL ADDRESS	aneta@sunmark.co.uk
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes

WEBSITE ADDRESS	www.sunmark.co.uk
LEGAL ENTITY INFORMATION	
*TYPE	LIMITED LIABILITY COMPANY
* STATE/COUNTRY WHERE LEGALLY ORGANIZED	United Kingdom
GOODS AND/OR SERVICES AND BASIS INFORMATION	
*INTERNATIONAL CLASS	032
*IDENTIFICATION	Energy drinks; Energy drinks enhanced with vitamins, minerals, nutrients ; Essences for use in making soft drinks; Fruit drinks; Fruit drinks and fruit juices; Fruit drinks and juices; Isotonic drinks; Isotonic non-alcoholic drinks; Non-alcoholic drinks, namely, energy shots; Sports drinks; Sports drinks, namely, energy drinks
*FILING BASIS	SECTION 1(b)
ADDITIONAL STATEMENTS INFORMATION	
*TRANSLATION (if applicable)	
*TRANSLITERATION (if applicable)	
*CLAIMED PRIOR REGISTRATION (if applicable)	
*CONSENT (NAME/LIKENESS) (if applicable)	
*CONCURRENT USE CLAIM (if applicable)	
CORRESPONDENCE INFORMATION	
*NAME	Sun Mark Ltd
FIRM NAME	Sun Mark Ltd
*STREET	428 Long Drive
*CITY	Greenford
*COUNTRY	United Kingdom
*ZIP/POSTAL CODE	UB68UH
PHONE	+44 208 575 3700
FAX	+44 208 575 9900
*EMAIL ADDRESS	aneta@sunmark.co.uk;sanjay@sunmark.co.uk

*AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
FEE INFORMATION	
NUMBER OF CLASSES	1
FEE PER CLASS	275
*TOTAL FEE PAID	275
SIGNATURE INFORMATION	
* SIGNATURE	/A Lenicka/
* SIGNATORY'S NAME	Aneta Lenicka
* SIGNATORY'S POSITION	Legal assistant
SIGNATORY'S PHONE NUMBER	+44 (0)208 575 3700
* DATE SIGNED	09/17/2012

Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 85730305

Filing Date: 09/17/2012

To the Commissioner for Trademarks:

MARK: MIGHTY-MAX (Standard Characters, see mark)

The literal element of the mark consists of MIGHTY-MAX.

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, Sun Mark Ltd, a limited liability company legally organized under the laws of United Kingdom, having an address of

428 Long Drive

Greenford

United Kingdom

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

For specific filing basis information for each item, you must view the display within the Input Table.

International Class 032: Energy drinks; Energy drinks enhanced with vitamins, minerals, nutrients; Essences for use in making soft drinks; Fruit drinks; Fruit drinks and fruit juices; Fruit drinks and juices; Isotonic drinks; Isotonic non-alcoholic drinks; Non-alcoholic drinks, namely, energy shots; Sports drinks; Sports drinks, namely, energy drinks

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

For informational purposes only, applicant's website address is: www.sunmark.co.uk

The applicant's current Correspondence Information:

Sun Mark Ltd

Sun Mark Ltd

428 Long Drive

Greenford UB68UH, United Kingdom

+44 208 575 3700(phone)

+44 208 575 9900(fax)

aneta@sunmark.co.uk; sanjay@sunmark.co.uk (authorized)

A fee payment in the amount of \$275 has been submitted with the application, representing payment for 1 class(es).

Declaration

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /A Lenicka/ Date Signed: 09/17/2012

Signatory's Name: Aneta Lenicka

Signatory's Position: Legal assistant

RAM Sale Number: 13365

RAM Accounting Date: 09/17/2012

Serial Number: 85730305

Internet Transmission Date: Mon Sep 17 09:50:41 EDT 2012

TEAS Stamp: USPTO/FTK-79.121.212.130-201209170950415

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43b153-CC-13365-20120917084448057484

MIGHTY-MAX